IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20842 of 2004

Between:

St.Anns English Medium High School, rep.
by its Correspondent, Kacherimitta, Kavali, Nellore District.

..... PETITIONER

AND

1 Karnam Saraswathi, W/o.Babu,
R/o.D.No.10-49-96(A), Kachermitta,

Behind Taluk Office, Kavali, Nellore District.

2 The Presiding officer, Labour Court, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction, more particularly one in the nature of writ of certiorari calling for records relating to and in connection with order dated 25-9-2004 passed in I.A.No. 241/02 in I.D.No.128/95 on the file of the 2nd respondent and quash or set aside the same and to pass appropriate order only after giving the opportunity to the petitioner firm.

Counsel for the Petitioner: MR.RAMA RAO GHANTA

Counsel for the Respondent No.1: None appeared

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

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ORDER

Heard both sides and at their request, the main Writ Petition itself is taken up for disposal.

The petitioner herein, which is Management seeks to assail the orders passed in I.A.No.241 of 2002 in I.D.No.128 of 1995 by the 2nd respondent herein setting aside the default award dated 23-06-2001.

The main ground urged on behalf of the petitioner is that even though the 1st respondent has given sufficient opportunity, there was no co-operation much less proper steps taken for cross-examination in proceeding further with the enquiry. In spite of the same, the Court below allowed the application. Further it is to be seen that the petitioner has filed a detailed counter denying the allegations made in the affidavit filed in support of the petition. In spite of the same, the same was not considered nor any reason was shown in rejecting the same.

However, it is seen from the record especially after hearing the counsel on either side that during the course of enquiry, there was no proper cross-examination of the 1st respondent and a default award was passed. After a long lapse of time, the present application is filed by the 1st respondent on the ground that no intimation was given by her counsel. Curiously, the order allowing the said application reads as follows:

> "Heard both sides. Petition allowed on payment of costs of Rupees five hundred to be paid to the respondent."

On the face of it, it is seen that the order is laconic and does not contain any reason. It does not give any supporting case for the reasons shown on behalf of the 1st respondent nor does it give any reason to reject the objection raised on behalf of the 1st respondent. It is too late in the day to say that any such one line speaking order was passed by the contesting respondent especially when the law contemplates that it should be on the submissions made and also

on the bona fides. In view of the same, the matter requires reconsideration and disposal afresh on merits.

Accordingly, the Writ Petition is allowed setting aside the impugned order, dated 26-09-2004. The matter is remitted back to the 2nd respondent for fresh consideration and disposal on merits in accordance with law after giving notice and opportunity to both sides. No costs.

14-03-2005.

Hsd

That Rule Nisi has been made absolute as above.

Witness, the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Monday, the Fourteenth day of March, 2005.

Asst. Registrar

To

1. The Presiding officer, Labour Court, Guntur.
2. 2 C. Cs to G.P. for Labour, High Court buildings, Hyderabad (OUT)
3. 2 CD copies.